

03t2ShvC kjc

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

New York, N.Y.

4 v.

23 Cr. 307 (LJL)

5 MICHAEL SHVARTSMAN, *et al.*,

6 Defendants.

7 -----x

Conference

8 March 29, 2024
9 10:10 a.m.

10 Before:

11 HON. LEWIS J. LIMAN,

12 District Judge

13
14 APPEARANCES

15 DAMIAN WILLIAMS

16 United States Attorney for the
17 Southern District of New York

18 BY: ELIZABETH A. HANFT

MATTHEW R. SHAHABIAN

Assistant United States Attorneys

19 TAI PARK, PLLC

Attorneys for Defendant M. Shvartsman

20 BY: TAI HYUN PARK

21 SERCARZ & RIOPELLE, LLP

22 Attorney for Defendant G. Shvartsman

23 BY: ROLAND G. RIOPELLE

24 SHAPIRO ARATO BACH, LLP

Attorney for Defendant Garelick

25 BY: ALEXANDRA A. E. SHAPIRO

JONATHAN BACH

O3t2ShvC kjc

(Case called)

THE DEPUTY CLERK: Starting with counsel for the government, please state your appearance for the record.

MS. HANFT: Good morning, your Honor. Elizabeth Hanft and Matthew Shahabian for the government.

THE COURT: Good morning.

MR. SHAHABIAN: Good morning, your Honor.

MS. SHAPIRO: Good morning, your Honor. Alexandra Shapiro and Jonathan Bach for defendant Bruce Garelick, and our client waives his appearance here.

MR. RIOPELLE: Good morning, your Honor. Roland Riopelle for defendant Gerald Shvartsman.

THE COURT: Okay. And I take it your client also waives his appearance?

MR. RIOPELLE: Yes, your Honor. I thought that was pretty clear.

MR. PARK: Good morning, your Honor. Tai Park for Michael Shvartsman, who also waives his appearance.

THE COURT: Okay.

All right. The conference is intended primarily for scheduling purposes but, Mr. Park, you sent me a letter dated March 24 in which you complained about the volume of some recent discovery from the government, that the government intends to produce further discovery, and that you've got a privilege issue.

03t2ShvC kjc

1 Let me hear your concerns, and we will see if there is
2 a way to address them.

3 MR. PARK: Your Honor, I wrote that letter in hopes
4 that it would further support the motion for a transfer of
5 venue on the money laundering counts because I'm not exactly
6 sure how it can be resolved without more passage of time and
7 trying to work this out, and obviously your Honor has since
8 denied the motion for transfer.

9 I don't know yet, Judge, when the government is going
10 to finish its production with respect to bank records and other
11 records that they have told us is forthcoming. Those all
12 relate to the money laundering counts. We are still going
13 through the privilege log that was included or that the
14 government subsequently produced to us that the bank -- that
15 the SNB Bank is the bank through which the government contends
16 some part of the DWAC trading proceeds moved and it's a
17 critical part of their money laundering charge.

18 The bank produced a fairly extensive privilege log.
19 We are still kind of slogging through those. As I indicated in
20 my letter, one of the apparent and kind of immediate problems
21 that jumped out at me is that there are some entries, many
22 entries in it that don't describe who the communication was
23 between, what the basis for that -- the privilege assertion is.
24 Those are all documents that apparently were completely
25 withheld, not simply redacted. So I'm not sure that we can

03t2ShvC kjc

1 resolve that during today's conference because we haven't,
2 frankly, gotten our arms completely yet around the objections
3 and concerns that we would have. Ordinarily we would want to
4 go back to the government, try to work these out, talk to the
5 bank's counsel, and try to -- and try to winnow down the issues
6 that cannot be resolved, so that it is ripe for judicial
7 action. The problem is one of timing, that we still haven't
8 gotten our arms around the production that has been sent to us
9 in recent days and we are still waiting on more without an
10 understanding of when those are actually going to be completed.
11 So that's where we are, Judge.

12 THE COURT: What I would like to do, if it's possible,
13 is try to set up a schedule so that if there is an issue with
14 respect to privilege, you are in a position to tee it up
15 quickly so I can make a decision quickly so that you've got --
16 if there are documents that are improperly withheld or that
17 you've got a right to them, we can make sure that you get them.

18 Let me hear from Ms. Hanft or --

19 MR. SHAHABIAN: With the Court's indulgence, I will
20 handle this one, your Honor.

21 To start, I recognize the government did not put a
22 letter in in response to Mr. Park's letter, given the Court's
23 denial of the severance motion. The production that Mr. Park
24 is referring to, as he notes, is primarily from SNB Bank, which
25 is one of the banks involved in the money laundering count.

03t2ShvC kjc

1 The production is not predominantly about the charged conduct
2 in this case. The government's grand jury investigation is
3 ongoing. It sweeps more broadly than just this case and these
4 defendants. And in furtherance of that investigation, the
5 government recently obtained the production to which Mr. Park
6 refers.

7 Given the upcoming trial date, the government is also
8 getting its arms around what SNB has produced, and we wanted to
9 make sure the defense had the same access to the same documents
10 the government did without conceding that those materials are
11 necessarily Rule 16 in this case. Just given the time
12 constraints, we wanted to make sure that the defense had access
13 to all of the documents as we did.

14 But my understanding from my conversations with SNB's
15 counsel is that the majority of those documents relate not to
16 the charged money laundering conduct in this case. And so we
17 are happy to work with Mr. Park and, as we get a better
18 understanding of what was produced, we can narrow the scope of
19 what was actually relevant to this case.

20 But as the government received it, we have produced it
21 to make it available to the defense. But the majority of it is
22 just not actually part of this case.

23 THE COURT: The figure of 240,000 pages is essentially
24 meaningless because -- particularly when it applies to bank
25 documents without knowing what the subpoena asked for, what the

03t2ShvC kjc

1 documents are. At least my experience with bank documents is
2 that they usually pertain to certain accounts and you should be
3 able to indicate which accounts might be relevant and which
4 accounts wouldn't be relevant or that you wouldn't use in this
5 case.

6 MR. SHAHABIAN: Yes, your Honor.

7 To give some more color on the production, so your
8 Honor is right, a lot of the volume is bank records. As the
9 Court knows from the briefing on the money laundering charges,
10 the account at SNB was a high-volume business account that did
11 many transactions in short periods of time. Many of the
12 documents are those transaction documents, individual
13 transactions running through that account, most of which are
14 just the normal business of that account, not the actual money
15 laundering conduct.

16 In addition to account specific documents, the
17 government has also produced e-mails, including e-mails solely
18 within SNB, not e-mails involving any of the defendants. It
19 involves e-mails with people who are not charged defendants in
20 this case. It involves corporate policies and corporate
21 records internal to SNB, how they handle things like, know your
22 customer regulations, anti-money laundering regulations, things
23 that relate to the bank's handling of this account and related
24 accounts and aren't particular to the defendants' conduct so
25 much as how the bank handled certain representations or

03t2ShvC kjc

1 documents.

2 THE COURT: Are you in a position to be able to tell
3 Mr. Park which of those documents you believe to be relevant to
4 the case and to make some commitments as to what you intend to
5 offer at trial? So at least to make his life a little bit
6 easier in looking through the documents, it may be that there
7 are documents that you don't intend to use that will be
8 relevant to him, but at least you can provide him some
9 guidance.

10 MR. SHAHABIAN: Yes, your Honor.

11 We are not in a position to do that today as we are
12 also trying to get our arms around the productions that we also
13 just recently received, but we do understand the Court's
14 concern and should be able to make those kinds of
15 representations to Mr. Park shortly.

16 THE COURT: Mr. Park also made reference to ongoing
17 productions, and maybe you foreshadowed that a little bit by
18 indicating that this is an ongoing grand jury investigation.
19 Are there documents right now that you have subpoenaed but you
20 haven't received that you intend to use at trial; and, if so,
21 when do you expect to produce them? I realize, by asking the
22 question, you don't know what's going to be in the documents.
23 But sometimes you request something for the purpose of the
24 case.

25 MR. SHAHABIAN: Yes, your Honor. And the government

03t2ShvC kjc

1 has issued trial subpoenas that are returnable the first day of
2 trial. So obviously parties can produce earlier, but that's
3 when they are returnable. Nothing in terms of the volume of
4 the SNB Bank production, more things like travel records, hotel
5 records, things that, as we are obtaining, we are producing.
6 It is not going to be anything like the volume of what we just
7 received from SNB which, frankly, was surprising to the
8 government when we received that many documents, as well.

9 THE COURT: Do you have thoughts about if Mr. Park
10 intends to challenge the assertion of the privilege, how to tee
11 that up quickly? For one, I gather, but I will ask him,
12 Mr. Park has not served his own subpoena on SNB Bank. There
13 may be a question about whether he's got standing to challenge
14 their assertions of privilege, but I would hope that that is an
15 issue that we can get beyond. Tell me what your thoughts are.

16 MR. SHAHABIAN: Yes, your Honor. Before I turn to
17 that, my colleague pointed out the SNB production is still
18 ongoing. We understand we have the majority of the documents,
19 but there may still be some additional productions we should
20 obtain from SNB shortly. They are aware of our trial date, and
21 we have pressed the urgency of getting anything additional they
22 have from them.

23 THE COURT: Maybe you could also press on them not
24 just the urgency of the trial date but that the judge has
25 impressed on you the urgency of getting the documents as soon

03t2ShvC kjc

1 as possible so that they can be produced to the defense and
2 that the judge scheduled a conference precisely for that
3 purpose.

4 MR. SHAHABIAN: Yes, your Honor, we will do that.

5 And with respect to the privilege log issue, as the
6 Court is aware from our last conference, this came up with
7 respect to privilege logs from DWAC and other related entities.
8 We worked with Mr. Park to try to sort of be the go-between
9 between counsel for those entities and Mr. Park's concerns with
10 the privilege log. We are happy to try to do the same here to
11 avoid unnecessary subpoenas and standing issues.

12 THE COURT: Okay. Mr. Park, the reason why I
13 scheduled this conference—and maybe I didn't need to have all
14 of you in—was because I got a letter from you saying I have
15 160,000 -- sorry 240,000 pages of documents to go through, and
16 I wanted to see whether there were things that I could do to
17 push the case along and avoid problems down the road. Are
18 there any other suggestions or requests that you would make?

19 MR. PARK: First of all, I appreciate very much your
20 Honor's efforts to intercede in an effort to ameliorate any
21 difficulty that the defense is going to face given the time
22 frame.

23 But I did want to, besides us continuing to work with
24 the government, I think it would be helpful to set a schedule
25 with respect to the privilege issues. And I want to point out

O3t2ShvC kjc

1 something—I understand Mr. Shahabian's representation to the
2 Court and I respect it—that the bulk of these documents and
3 perhaps the privileged materials don't really relate to the
4 money laundering charges.

5 But as my letter reflects, your Honor, in addition to
6 the money laundering charges, the government recently provided
7 notice of other bad acts under Rule 404(b), and at least one of
8 them pertains to alleged misrepresentations to the bank that my
9 client was allegedly involved in with respect to the nature of
10 the business that would be of the fund that would be flowing
11 through that bank account.

12 THE COURT: That's the cannabis related business?

13 MR. PARK: Correct, your Honor. And our position is
14 that the bank absolutely had full knowledge and awareness of
15 the nature of the funds that it paid for processing that would
16 be going toward payments of cannabis merchants.

17 Now, while it may be strictly accurate --

18 THE COURT: Refresh me. Is the sale of cannabis
19 specified unlawful activity? I know it is not the one that's
20 charged in the indictment.

21 MR. PARK: No, it's not, your Honor. Oh, is it a
22 separate specified unlawful activity? I don't know the answer
23 to that, your Honor. Certainly I don't know the answer to that
24 as it pertains to legitimate businesses that are lawfully
25 conducted within various states.

03t2ShvC kjc

1 But coming back to Mr. Shahabian's representation, I
2 think we need to take a broader look at what the government
3 intends to do at trial, and they have already signaled that
4 they intend to bring forward in the trial allegations that
5 misrepresentations by -- either explicitly or by omission were
6 made to a bank.

7 As I look at -- just, again, just even a glancing
8 review of the privilege log suggests that there were kind of
9 intensive discussions with counsel regarding this account that
10 was opened. At one point they received a grand jury subpoena,
11 from I believe in April of 2023, again, kind of frequent
12 attorney-client communications, the nature of which of course
13 we are not aware, and the bank continued to process the
14 payments.

15 And so, again, kind of if the government says we are
16 not -- these are not related to the money launder charge and
17 they also represent we are not going to produce -- you know,
18 kind of introduce other acts that are not related to the money
19 laundering counts, that's fine, Judge, but they can't kind of
20 have it both ways and say that they are not related at all.

21 So it is just, again -- and I'm not asking for
22 reconsideration of the motion for transfer. What I am saying,
23 though, Judge, is these kinds of very difficult issues of
24 discovery, privilege, etc., sometimes take months to sort out
25 just with parties that are working very hard. And the

03t2ShvC kjc

1 government in this case decided to charge the money laundering
2 counts on February 8, and the underlying insider trading
3 charges are enormously complex and challenging in and of
4 themselves. And so for me and my team and Mr. Shvartsman to be
5 struggling to get ready for that insider trading charge while
6 at the same time trying to just drink from a fire hose, really,
7 with respect to this belatedly filed money laundering charge is
8 just patently unfair, Judge.

9 And so that's why we asked for the transfer, because
10 that would account -- that would enable the government to
11 pursue money laundering charges but giving us time to
12 adequately prepare for that. And I think what this letter was
13 trying to feature is these problems are not just abstract, they
14 are very, very imminent, and they are very pragmatic as to how
15 much --

16 THE COURT: That's the reason why we are -- I
17 scheduled this conference, to come up with pragmatic ways of
18 dealing with it. I'm not sure that I would subscribe -- and in
19 fact I don't subscribe to the notion that the money laundering
20 count was belated, but let's put that aside. You suggested
21 that I set a schedule for motion practice with respect to the
22 assertion of privilege by SNB Bank. We don't have them here,
23 but I think we can schedule a tentative date or procedure to
24 address any issues. What are your thoughts?

25 MR. PARK: I would like to confer with the government,

O3t2ShvC kjc

1 your Honor --

2 THE COURT: Okay.

3 MR. PARK: -- because I would like to see how much we
4 can accomplish without --

5 THE COURT: So maybe what you will do is send me a
6 letter by mid next week --

7 MR. PARK: Very good, your Honor.

8 THE COURT: -- with a suggestion along those lines.

9 MR. PARK: Very good, your Honor.

10 THE COURT: Let me ask the government, I'm not going
11 to rule on any 404(b) issues right now, but how does cannabis
12 play a role in this?

13 MR. SHAHABIAN: Yes, your Honor. Mr. Park is correct.
14 We did notice under 404(b), and I didn't mean to be carving
15 that out from what we think is relevant from the production,
16 that the bank was misinformed as to the nature of the business
17 that Mr. Shvartsman and his business partners were operating
18 through that bank account, and we think that is relevant 404(b)
19 evidence. It goes to intent with respect to the money
20 laundering count. It goes to knowledge. And we will identify
21 any documents in the production that we think are relevant to
22 that.

23 That notice, though, wasn't based primarily or even, I
24 think, at all on our review of the productions we just
25 received. It is based on prior productions and conversations

03t2ShvC kjc

1 with witnesses.

2 But to the extent that there are documents that are
3 relevant to that notice, we will point those out for Mr. Park
4 and the scope of what we think is relevant for this trial.

5 What I was trying to say is there is an investigation
6 that is broader than Mr. Shvartsman and his conduct, and many
7 of the documents relates to that, and that's what I am saying
8 we don't think is Rule 16.

9 THE COURT: I understand that. You may need to
10 convince me how the fact that the account was used for a
11 cannabis business is 404(b) evidence with respect to the intent
12 to use the account to conceal the proceeds of insider trading.
13 But, again, I'm not deciding on that now, just --

14 MR. SHAHABIAN: Understood.

15 THE COURT: -- a point of curiosity.

16 So maybe Wednesday of next week send me a letter about
17 what you can do. The government has hopefully heard me and
18 will be in touch with SNB Bank so they can put their foot to
19 the pedal and get the documents over as quickly as possible and
20 that you are to try to work with Mr. Park to identify -- help
21 him work through the documents.

22 MR. SHAHABIAN: Yes, your Honor.

23 THE COURT: Mr. Park.

24 MR. PARK: Your Honor, on a slightly different note,
25 but not all that different, I have had communications with the

03t2ShvC kjc

1 government regarding another item of discovery that I think is
2 very important and, frankly, goes to one of the elements of the
3 crime of insider trading. We have not been able to resolve
4 this between us and the government. I have been trying to
5 figure out whether my next step is to come to your Honor for
6 relief or to try to do -- serve some process on the entity
7 itself.

8 But the issue is this. DWAC, the company at issue,
9 whose information was allegedly misappropriated, has filed a
10 lawsuit against Patrick Orlando, who was DWAC's former CEO
11 during the relevant time period. And they have alleged that,
12 prior to the public announcement of DWAC potentially merging
13 with Trump Media Group, Mr. Orlando was overheard speaking to
14 the press about the potential merger with TMG. This is a
15 public filing that DWAC has filed, I believe, in state court in
16 Florida against Mr. Orlando, and they make other accusations
17 about him.

18 I asked the government, and I actually wrote a letter
19 to the government essentially outlining the allegations in the
20 DWAC, a lawsuit against Mr. Orlando. I had always presumed
21 that Mr. Orlando would be a witness for the government in this
22 case. But whether he is or not, I consider this flat-out
23 Brady information. DWAC has avowed that it is cooperating with
24 the government.

25 As your Honor knows, one of the last issues I raised

03t2ShvC kjc

1 in this connection was in connection with DWAC's failure to
2 produce a privilege log. I spoke to the government about that.
3 They talked to DWAC. Within days, DWAC produced a privilege
4 log. The government, in my view, all they need to do is pick
5 up the phone and say, What's the basis for your allegations in
6 a verified complaint publicly against Orlando that he spoke to
7 the press? Obviously one of the elements is that the
8 information about potential TMG merger was not public. If he
9 is talking to the press, it undermines that element. That's
10 *Brady*. I think, Judge, that it would have been common sense
11 for the prosecutor in charge of this case to just call him up
12 and say, Where's this coming from? Send it over to me. Let me
13 know. And then, pursuant to their *Brady* obligations, produce
14 it to the defense. They have declined to do that, and I'm just
15 not sure what the next step is for me, Judge, other than
16 potentially to bring it to your attention.

17 I also thought about some kind of a Rule 17(c)
18 subpoena on the company, and how would I phrase it, because I
19 don't know whether they have witnesses, whether they have
20 documents. It would be -- you know, they could potentially
21 hold off until the first day of trial, which doesn't give me
22 enough time to investigate.

23 I don't think I should be in this position, Judge, in
24 all candor. I think the government should simply call up
25 Wilmer Cutler, who represents DWAC and has represented DWAC for

03t2ShvC kjc

1 years now, and just say what's the basis for your filing?

2 THE COURT: Ms. Hanft or Mr. Shahabian.

3 MS. HANFT: Yes, your Honor.

4 We have spoken to Mr. Park about this. In the
5 government's view, this is information that's not in our
6 possession and so we are not obligated to go out and look for
7 it and then produce it to Mr. Park.

8 What we have told Mr. Park is to the extent that the
9 government decides to obtain this information, of course we
10 hear him loud and clear as to how he views this information,
11 and we will produce anything that we think we must produce
12 pursuant to our *Brady* obligations.

13 But for Mr. Park to simply desire that we make a phone
14 call to a law firm because that law firm has previously
15 produced certain items to the government and ask the basis for
16 allegations in a complaint that are likely tied up in all kinds
17 of privilege issues as well, we don't think is appropriate.

18 But the message that Mr. Park views anything going to
19 whether or not a particular witness leaked information to the
20 press as, you know, going to the element, one of the elements
21 of insider trading, we hear it loud and clear and understand
22 our obligations with respect to that.

23 THE COURT: So Mr. Park, it's not *Brady* if they don't
24 have it. So isn't the answer for you to serve a Rule 17
25 subpoena? You might come to me. I think it is now, you know,

O3t2ShvC kjc

1 transparent in terms of what it is that you are asking for.
2 And I don't know whether it would satisfy the *Nixon* standards
3 for you to get the stuff prior to trial or not. I don't know
4 what the government's position would be with respect to that,
5 but it seems to me that's the next step.

6 We have all been in a position of drafting subpoenas
7 and trying to figure out the right way to get it. If it's
8 information that's in a litigation, maybe there is actually
9 some stuff that's been produced in the litigation between the
10 parties. I don't know.

11 MR. PARK: We haven't been able to see anything like
12 that, your Honor.

13 THE COURT: That doesn't surprise me. My guess is
14 there is some form of a "confi" agreement in that case, right,
15 or is there not?

16 MR. PARK: It was just filed, I think, toward the end
17 of February, so I doubt there has been any exchange of
18 discovery.

19 Judge, look, I mean, I will do that. I just -- I
20 mean, I just find this surprising, I mean, that I have got an
21 indicted case, they are about to go to trial, and one of the
22 issues is whether it is nonpublic or not. You would think they
23 would want to know the answer to this question.

24 THE COURT: I hear what you say. But, on the other
25 hand, sitting where I am and without knowing all of the

03t2ShvC kjc

1 back-and-forth, I'm not going to get involved --

2 MR. PARK: I understand.

3 THE COURT: -- in the discovery dispute.

4 MR. PARK: I understand.

5 THE COURT: But if there is an issue with respect to
6 Rule 17, I've been trying in this case to turn to things
7 quickly because I understand the need for the defense to
8 prepare.

9 MR. PARK: Thank you, your Honor.

10 THE COURT: Anything else from the government?

11 MS. HANFT: Nothing from the government. Thank you,
12 your Honor.

13 THE COURT: Okay. Ms. Shapiro, Mr. Bach,
14 Mr. Riopelle, I haven't had anything from you. I don't know if
15 you've got anything for me, or I can let you go for the
16 weekend.

17 MR. BACH: We have nothing.

18 Mr. Garelick is really not addressed in the 404(b)
19 notice. There appears to be almost nothing raised with respect
20 to our client, Mr. Bruce Garelick. However, there is one
21 sentence where the government kind of says as to all three
22 defendants and then says something that we consider very vague.

23 THE COURT: Maybe you can work that out with the
24 government.

25 MR. BACH: We have been trying. And I am just noting

03t2ShvC kjc

1 it because we haven't gotten any clarification yet. If we
2 can't work it out, we will raise it with the Court.

3 MS. HANFT: And just for the record, your Honor,
4 counsel did raise it to us I believe it was a day or two ago,
5 and so we will work to respond.

6 THE COURT: Okay.

7 MS. SHAPIRO: It was more than that.

8 MR. BACH: It was more than that.

9 THE COURT: It may have been more than that. Whatever
10 it is, you will work to respond before there is briefing on
11 404(b) that has to come before me.

12 Mr. Riopelle -- or Ms. Shapiro?

13 MS. SHAPIRO: I believe the deadline for motions *in*
14 *limine* is actually next Thursday. So it's less than a week
15 away and we don't know the answer to the question.

16 THE COURT: Ms. Hanft and Mr. Shahabian are going to
17 get you an answer and, if not, then you will brief it.

18 Mr. Riopelle.

19 MR. RIOPELLE: My client and his partner are religious
20 Jews, and they note that the trial is set to start the last two
21 days of the Passover week. They had asked me to ask for a
22 two-day adjournment of the trial so we could complete the
23 Passover week before we begin the proceedings. So on their
24 behalf, I make that request, your Honor. I think I had
25 mentioned it to the government in a phone call recently.

O3t2ShvC kjc

1 THE COURT: I mean, I'm very disinclined to grant that
2 request, so I'm not going to grant it. You can renew it on
3 paper if there is really a strong basis for it.

4 MR. RIOPELLE: Thank you, your Honor.

5 MR. PARK: Your Honor, my client also made this
6 request, and we were going to have Mr. Riopelle address it.
7 But this -- what this could mean, Judge, is that the jury pool
8 from which the jury would be drawn is not reflective of what I
9 think Mr. Shvartsman is entitled to. If there are a number of
10 jurors who are in the pool who are not there because they are
11 observant, I think that's unfair, Judge. And so I have to
12 confess I was not aware of the April 29 date and how that
13 interplays with Passover, but I believe this is a serious
14 issue, Judge, and we are just asking for a couple of days.

15 THE COURT: Why don't you raise that when you file
16 your motions *in limine*. You can then brief if you think that
17 there is a fair cross-section argument. I'm not going to
18 decide it on the fly.

19 MR. PARK: Very good, Judge. Thank you.

20 MR. BACH: One more thing, Judge. We have also -- and
21 you might have the same answer you had for me before. We have
22 not reached any agreement with the government on the date to
23 disclose 3500 material. We have asked them to tell us the date
24 that they propose, and they have not even told us the date that
25 they would propose. Obviously there is a lot of time pressure

O3t2ShvC kjc

1 here. We would like the 3500 material sooner than later. But
2 at least we want to know what their position is on that
3 subject.

4 THE COURT: Is the government prepared to provide a
5 response right now?

6 MS. HANFT: Not right now, your Honor, but we are
7 happy to provide a date to counsel within the next, I would
8 say, week. We will give them -- we will commit to a date for
9 3500.

10 MR. BACH: That's essentially not --

11 THE COURT: Why don't you do it by Wednesday?

12 MS. HANFT: Okay, your Honor. Understood.

13 THE COURT: All right. How --

14 MS. HANFT: Your Honor, one other thing. Ms. Shapiro
15 just said that motions *in limine* were due next Thursday. I
16 want to confirm they are in fact due next Friday.

17 THE COURT: What I have is April 5.

18 MS. HANFT: That's Friday. Thank you, your Honor.

19 THE COURT: All right. So Ms. Shapiro you don't have
20 to send me anything on Thursday. It's April 5.

21 MS. SHAPIRO: Okay. Sorry. I made a mistake.

22 THE COURT: Have a good weekend, everybody. Thank
23 you.

24 COUNSEL: Thank you, your Honor.

25 oOo